

HAMILTON COUNTY BOARD OF COMMISSIONERS
AUGUST 26, 2002

The Hamilton County Board of Commissioners met on Monday, August 26, 2002 in the Commissioners Courtroom in the Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session. President Clark opened the public meeting at 1:12 pm. A quorum was declared present of Commissioner Sharon R. Clark, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Approval of Minutes: (Tape 1, #364)

Dillinger motioned to approve the minutes of August 12, 2002. Holt seconded. Motion carried unanimously.

Executive Session Memoranda:

Dillinger motioned to approve the Executive Session Memoranda of August 26, 2002. Holt seconded. Motion carried unanimously.

Bid Openings

Stoney Creek Drainage Study RFP:

Mr. Kent Ward stated the RFP's for the Stoney Creek Watershed Master Plan have been submitted. We received responses from Clark Dietz, Beam Longest & Neff, Fanning/Howey, Commonwealth Engineering, DLZ, Cripe, Christopher B. Burke Engineering, Triad Engineering, Schneider Corporation, American Consulting, CTE Engineers-Samuel L. Moore & Associates, and Mid-States Engineering. Mr. Ward requested the Commissioners accept the RFP's and forward them to the Surveyor's office for review and recommendation. Dillinger motioned to approve. Holt seconded. Motion carried unanimously. Mr. Ward is planning on providing a recommendation on September 23, 2002.

Stormwater Phase II Needs Analysis and Feasibility Study:

Mr. Ward stated after reviewing the proposals for the Stormwater Phase II Needs Analysis and Feasibility Study the committee chose Goode & Associates, Inc. The contract is in a not to exceed amount of \$19,000.00 with a 90 day turnaround. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Little Farms Addition Variance: (Tape 1, #505)

Mr. Tim Stevens, Hamilton County Habitat for Humanity, requested a variance for a two lot replat for Lot 26 in Little Farms Addition in Home Place. The location of the site is the southeast corner of Combs Street and 105th Street. The existing lot was platted at a time when all of the lots were on well and septic. There is now sanitary sewer and water in the area. We presented to the Carmel Plan Commission a 2 lot plat at 26,000 square feet creating two lots. We requested a variance from the Carmel Plan Commission and it was granted. The variance arises from the fact that the existing home's garage is crowding the right-of-way. The old plat of

Combs Street and 105th Street had a 15' half right-of-way. The county's minimum right-of-way is 25' half. We have requested variances a number of times in the Home Place area to create an additional 5' of right-of-way to bring the total to a 20' half and on the backside of that record a drainage and utility easement of 15'. That is short 5' of what is normally required. There were a series of commitments made by the homeowner in order to receive the variance approval by the Carmel Plan Commission. They did agree that at such time that is was requested by the City of Carmel or Hamilton County that sidewalks, curbs and gutters would be extended across that site by the owner. This is a commitment that will become of record upon approval of the plat. The county highway department advised Mr. Stevens that they could not approve this and a variance would need to be approved by the Commissioners. Holt motioned to approve. Dillinger seconded. Mr. Les Locke stated this same issue came up in December 2000 on another Habitat for Humanity project and we came to a recommendation to leave a 20' dedication as currently shown, but put a 5' highway drainage and utility easement that the Highway Department would have access to outside of the 20'. The 5' easement would fall within their drainage and utility easement that they are showing on the plat. Mr. Locke stated the Highway Department requested the variance not be approved until it is shown on the plat. We did offer this as an alternative, but Mr. Stevens declined the alternative. Mr. Howard suggested Mr. Stevens dedicate a private easement. Mr. Stevens stated if they could do that by a separate instrument we would not object to that. Holt amended his motion to approve the plat subject to the easement being in proper form. Dillinger seconded the amendment. Motion carried unanimously on the amendment. Dillinger, Holt and Clark approved the amended motion unanimously.

Bridge #181, Promise Road over Sand Creek:

Mr. Howard opened the bids for Bridge #181, Promise Road over Sand Creek. Form 96, Non-Collusion Affidavit, Bid Bond, Financial Statement and Acknowledgment of Addendums (2) are included unless otherwise specified. 1) Duncan Robertson - \$546,180.80. 2) Structure Contractors - \$546,336.75. 3) Schutt-Lookabill - \$482,212.45. Mr. Howard recommended the bids be referred to the Highway Department for review and recommendation later today. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Plat Approvals:

Little Farms Addition, Replat Lot 26:

Village of West Clay, Section 3004, Block C:

Centennial Subdivision Plat Amendments:

West Carmel Center Block B, Lots 1&2:

Mr. Steve Broermann presented the plats for Little Farms Addition, Replat Lot 26; Village of West Clay, Section 3004, Block C; Centennial Subdivision Plat Amendments and West Carmel Center Block B, Lots 1&2 for approval. Dillinger motioned to approve the plats. Mr. Broermann will hold the Little Farms Addition, Replat Lot 26 until receipt of the executed easement. Holt seconded. Motion carried unanimously.

Highway Business (Tape 1, #997)

Road Cut Permits:

Mr. Les Locke requested approval of Open Road Cut Permits: 1) RDCUT 2002-044 - Vectren Energy Delivery at 10620 McPherson Avenue in Carmel to replace gas service line. 2) RDCUT 2002-045 - Vectren Energy Delivery at 10626 McPherson Avenue in Carmel to replace gas service line. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Highway Department:

Mr. Locke requested acceptance of Bonds and Letters of Credit for the Highway Department. 1) HCHD#B-02-0083 - Bond Safeguard Subdivision Performance Bond #5002107 issued on behalf of Brenwick Development Company, Inc. in the sum of \$58,092.00 for asphalt surface for 131st Street from Towne Road to Clay Center Road to expire August 5, 2004. 2) HCHD #B-02-0084 - Bond Safeguard Maintenance Bond #5002108 issued on behalf of Brenwick Development Company, Inc. in the sum of \$11,105.00 for asphalt and curbs in The Village of West Clay, Section 6502 to expire August 5, 2005. 3) HCHD#B02-0085 - Liberty Mutual Insurance Company Performance Bond #392-000-759 issued on behalf of Duncan Robertson, Inc. in the sum of \$602,391.70 for Bridge #32 to expire August 12, 2004. 4) HCHD #B-02-0086 - Liberty Mutual Insurance Company Payment Bond #392-000-759 issued on behalf of Duncan Robertson, Inc. in the sum of \$602,391.70 for Bridge #31 & #32 to expire August 12, 2004. 5) HCHD #B-02-0087 - Liberty Mutual Insurance Company Performance Bond 392-000-758 issued on behalf of Duncan Robertson, Inc. in the sum of \$569,371.75 for Bridge #190 to expire August 12, 2004. 6) HCHD #B-02-0088 -Liberty Mutual Insurance Company Payment Bond 392-000-758 issued on behalf of Duncan Robertson, Inc. in the sum of \$569,371.75 for Bridge #190 to expire August 12, 2004. 7) HCHD #B-02-0089 - The Hanover Insurance Company Performance and Payment Bond No. BLI694817 issued on behalf of Sommerwood Development, LLC by Pedcor in the cum of \$40,700.00 for acceleration/deceleration lane on 146th Street and sidewalk construction to expire August 16, 2004. 8) HCHD #B-02-0090- St. Paul Fire & Marine Insurance Co. Performance and Payment Bond issued on behalf of Erber & Milligan Construction Co., Inc. in the sum of \$189,636.00 for replacement of Bridge No. 123, 211th Street over Locke Ditch, Wayne Township, to expire August 12, 2004. 9) HCHD #L-02-0003 - First Merchants Bank Letter of Credit No. FMB-1362 issued on behalf of Mac's Landing d/b/a Brooks Landing in the sum of \$74,376.00 for stone, paving, curb and gutter to expire July 31, 2003. 10) HCHD #L-02-0004 - First Merchants Bank Letter of Credit No. FMB-1366 issued on behalf of Mac's Landing d/b/a Brooks Landing in the sum of \$35,000.00 for labor to excavate streets and under drain to expire July 31, 2003. 11) HCHD #L-02-0005 - First Merchants Bank Letter of Credit No. FMB-1363 issued on behalf of Mac's Landing d/b/a Brooks Landing in the sum of \$2,000.00 for street name signs and regular signs to expire July 31, 2003. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Agreements (Tape 1, #1050)

Bridge #255, Six Points Road over Jay Ditch Utility Agreements:

Mr. Locke requested approval of Utility Agreement, HCHD #M-02-0046, for Bridge #255, Six Points Road over Jay Ditch with PSI Energy, Inc. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Mr. Locke requested approval of Utility Agreements, HCHD #M-02-0044 and HCHD #M-02-0045 for Bridge #255, Six Points Road over Jay Ditch with SBC/Ameritech. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Bridge #168, 116th Street over Mud Creek Supplemental Agreement No. 2:

Mr. Locke requested approval of Supplemental Agreement, HCHD #E-01-0002, for Bridge #168, 116th Street over Mud Creek with Beam Longest & Neff. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Subdivision Inspection Agreements

Sedgwick Subdivision:

Mr. Locke requested approval of Subdivision Inspection Agreement, HCHD #A-02-0013, for Sedgwick Subdivision with GWZ-1 Development, LLC (owner) and DLZ Indiana LLC (engineer) in the amount of \$7,000.00. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Brooks Landing, Section 2:

Mr. Locke requested approval of Subdivision Inspection Agreement, HCHD #A-02-0014, for Brooks Landing Section 2 with Mac's Landing, LLC (owner) and RQAW Corporation (engineer) in the amount of \$7,000.00. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Intracoastal at Geist Subdivision, Section 1:

Mr. Locke requested approval of Subdivision Inspection Agreement, HCHD #A-02-0015, for Intracoastal at Geist Subdivision, Section 1 with Centex Homes (owner) and EDIS, Inc. (engineer) in the amount of \$12,000.00. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Acceptance of Streets (Tape 1, #1256)

Old Towne Road:

Mr. Locke requested acceptance of Old Towne Road into the county inventory. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Concurrence with Traffic Study Correspondence:

160th Street Speed Limit:

Mr. Locke requested concurrence with investigations of requests for signage on Hamilton County Roads. Mr. Locke stated they have performed a traffic study on the speed limit on 160th Street between Cherry Tree Road and River Road. This is part of the detour for the bridge that is closed on River Road. The Highway Department is recommending that the speed limit be posted at 40 mph. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Official Actions

160th Street from Cherry Tree Road to River Avenue:

Mr. Locke requested approval of the Official Action for the 40 mph speed limit on 160th Street from Cherry Tree Road to River Avenue. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Wapihani Drive Speed Limit:

Mr. Locke stated a speed study has been done on Wapihani Drive. The 85th percentile recommends 25 mph, but because of the narrowness of the road, the number of people that park there and the width of the trailers we are recommending that it be posted at 20 mph. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Bridge #45, Six Points over Henley Creek - Bid Award:

Mr. Locke stated the bids for Bridge #45, Six Points over Henley Creek, came in substantially higher than the engineer's estimate. Two bids were received: \$147,064.50 from Erber & Milligan Construction and \$149,103.75 from Duncan Robertson. The engineer's estimate was \$80,994.61. We have reviewed the bids and were able to justify some of the costs and increases and we revised the engineer's estimate to \$110,000.00. The Highway Department recommends letting this bridge at this time. This is the second time we have let this bridge, the first time it was let there were no bidders. Mr. Locke recommended the bid be awarded to Erber & Milligan Construction Co., Inc. in the amount of \$147,064.50. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Our Lady of Mount Carmel - Street Lights in Right-of-Way:

Mr. Locke stated he has an agreement regarding street lights in right-of-way for Our Lady of Mount Carmel Catholic Church (Roman Catholic Diocese of Lafayette-in-Indiana as the owner), which the Highway Department agrees with. He also has a dedication of public right-of-way along Oak Ridge Road, which is what the county requested. We also have received an encroachment agreement regarding the sign that is in the right-a-way that is being dedicated. This is all contingent upon the county vacating the right-of-way along 146th Street that was adjacent to the church. The ordinance was introduced April 22, 2002 where a public hearing was held and there were no comments from the public. Mr. Howard stated the ordinance was introduced and is now before the Commissioners for second reading. We did agree with the church that we would not pass the ordinance until the other documents were prepared and tendered to the highway department in proper form. Holt motioned to approve the agreement regarding streets in right-of-way, dedication of right-of-way and the encroachment agreement. Dillinger seconded. Motion carried unanimously. Holt motioned to approve Ordinance 4-22-02-C. Dillinger seconded. Motion carried unanimously.

SR 238 Transfer - 146th Street Extension Proposal: (Tape 1, #1774)

Mr. Tom Stevens stated the commissioners met two weeks ago with the City of Noblesville in a work session to discuss the SR 238 Transfer agreement that was proposed by INDOT. We have concurrence with the City of Noblesville and have prepared a letter to INDOT with the 13 points of modification as discussed. Dillinger motioned to approve the letter. Holt seconded. Motion carried unanimously.

Condemnation of Parcels

106th Street & College Avenue Project:

Mr. Locke requested approval of condemnation of parcels for the 106th Street and College Avenue project. Parcel #12, Home Place Enterprises, Inc. of .180 acres of permanent right-of-way and Parcel #20, James A. Spencer & Brenda C. Beauregard, Tenants in Common for .039 acres of permanent right-of-way. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

116th Street Closure:

Mr. Locke stated 116th Street between Shelborne and US 421 will be closed starting on 8:00 am on August 27th for 18 hours. This is for a culvert that is very deep and it can not be changed without closing the entire road. We have had message boards up since last Friday to notify the drivers. We have penalties by the hour and bonuses by the hour if they complete it earlier. Once it is done that section of road will be paved.

Bid Award

Bridge #181, Promise Road over Sand Creek:

Mr. Locke recommended the bid for Bridge #181, Promise Road over Sand Creek be awarded to Shutt-Lookabill in the amount of \$482,215.45. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Monon Trail:

Clark stated she received a call from Sue Dillon, Carmel-Clay Park Board, stated they are looking for more parking. The county has right-of-way west of Westfield on 96th Street. They would like to attend the next meeting to discuss this issue. Mr. Locke stated we do not have anything built there, he does have some concerns. Holt and Dillinger stated they will consider the request at the next meeting.

Eagletown Road:

Holt asked the Highway Department to look into the chuckhole on Eagletown Road at about 251st Street north.

Shelborne Road:

Clark stated she has received a call about the road crumbling on Shelborne Road. Mr. Locke stated that is part of the project that will be taken care of when 116th Street and Shelborne Road is closed.

Scherer Road:

Holt stated there is a site distance problem at Scherer Road at 256th Street on the southeast side of the intersection.

Clark called a break at 2:00 pm. Clark called the meeting back to order at 2:18 pm.

Administrative Assistant:

Indianapolis Department of Waterworks Service Advisory Board Appointment:

Mr. Fred Swift stated the Indianapolis Department of Waterworks is requesting an appointment to the Service Advisory Board. Holt motioned to appoint Gordon Byers. Dillinger seconded. Motion carried unanimously.

September 11th:

Mr. Swift stated Kathy Richardson has asked if the Commissioners would like the employees to have a moment of silence in remembrance of September 11th. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Initial Security:

Mr. Swift stated there is not enough money in the budget to continue paying for Initial Security. Holt motioned to request an additional request. Dillinger seconded. Motion carried unanimously.

Noblesville Schools Common Wage Board Appointment:

Holt motioned to appoint Kevin Brininger to the Noblesville Schools Common Wage Board. Dillinger seconded. Motion carried unanimously.

206th Street and SR 37:

Holt stated he was reviewing his mail and a letter from INDOT stated that the intersection of 206th Street and SR 37 was a safe intersection and they were abandoning their previous commitment at passing lanes at that location. Holt motioned that a letter be sent to INDOT requesting that they need to look at that further. That is one of the most dangerous intersections in the county. Dillinger seconded. Motion carried unanimously. Mr. Locke will prepare the letter.

Surplus Computers:

Mr. Swift requested authorization to auction off surplus computers. Holt motioned to declare the list of 2002 Inventory Items, dated August 16, 2002 be declared surplus and give to the Auditor for publication. Dillinger seconded. Motion carried unanimously.

Riverview Hospital Lab Services Agreement:

Dillinger motioned to approve the amended agreement for lab services provided by Riverview Hospital. Holt seconded. Motion carried unanimously.

Laurel Lakes House: (Tape 2, #335)

Clark stated the house on Laurel Lakes has been purchased by a builder and he is working on the house. The neighbors have called to thank the Commissioners.

Attorney

Partial Agreement of Settlement - Robert M. Book:

Mr. Howard requested approval of the Partial Agreement of Settlement with Robert M. Book and Sydney Jeanne Book regarding Bridge #31 and #32. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Intelenet Commission Agreement:

Ms. BJ Casali requested approval of an agreement with the Intelenet Commission for long distance carrier. Mr. Howard asked if we are done with our current provider? Ms. Casali stated we are currently on a month to month agreement with MCI/Worldcom. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Road Closure Request - Trinity Free Clinic 5K Run: (Tape 2, #270)

Mr. Stephen Genco, 3628 Patriot Court, Carmel, gave an overview of the Trinity Free Clinic 5K Run. The race will be held October 26, 2002 with an estimated 100 to 300 runners and/or walkers. It will begin and end in the Our Lady of Mount Carmel parking lot. The Sheriff's Department has been contacted regarding traffic control. Lt. Jeff Kearns stated they are concerned about 146th Street. It will depend on how many people they have participating as to whether they will have to close 146th Street. There is a path and they may only have to close one lane. The interior roads will not need to be closed. The Sheriff's Department will have to control the traffic. Mr. Howard suggested closing the road when the race starts, but they can use the path when they come back. Holt motioned to approve with the addition of Hamilton County being named as an additional insured. Dillinger seconded. Motion carried unanimously.

Clerk's Office Counter Remodel:

Ms. Tammy Baitz requested the Commissioners approve the remodeling of the Clerk's front counter. There are security issues that she is concerned about in the Clerk's office. The remodeling will serve two purposes, it will move the customer back away from the deputy clerk and the installation of the glass will add more security. The estimated cost is \$9,500.00. Dillinger asked if there has been a security problem? Ms. Baitz stated not yet, she has a deputy that collects a substantial amount of money. We get a lot of unsatisfied customers in the Clerk's office and she would like to prevent a breach of security before it happens. Another issue is that people could reach over the counter and take checks or paperwork very easily. This would also provide more work space for the customer and the deputy clerks. Ms. Baitz stated she has worked with Scott Warner on the design and cost estimate. Discussion followed. Holt motioned to approve. Clark seconded. Holt and Clark approved. Dillinger opposed. Motion carries.

Barrington Estates Sanitary Sewer: (Tape 2, #1287)

Mr. Alan Miltux, 320 N. Meridian Street, stated he is representing the developer of Barrington Estates. Mr. Miltux stated Barrington Estates is a residential subdivision located in Hamilton County. It is adjacent to the Fall Creek Wastewater District. It is presently located within the certificate of territorial authority of Hamilton Southeastern Utilities. Hamilton Southeastern Utilities can not provide economical wastewater services to this area. The

developers of Barrington Estates have been in discussions with Hamilton Southeastern Utilities and Fall Creek Regional Wastewater District. In order to protect the health and welfare of residents in Hamilton County and the surrounding areas that it would be best that they would have access to municipal sewer facility. Fall Creek Regional Wastewater is agreeable to providing service to this area. A portion of this property has been developed on well and septic. It is the developers feeling that given the problems with well and septic in as much as the development has brought sewer service or adjacent to this area, via Fall Creek Wastewater District it would be in the best interest of all concerned, including other residents in this subdivision and surrounding landowners that they have the ability to have municipal sewer services provided to them. Pursuant to IC 13.26 that the Hamilton County Board of Commissioners file an application with the Board of Directors of the Fall Creek Regional Wastewater District requesting that they include this 134 acres within their district. Holt asked why can't Hamilton Southeastern Utilities provide service? Mr. Miltux stated it is not necessarily can't, it is that their plans do not call for service to this area because it is the outskirts of their CPA for another 13 years. With this particular area to put sewers in to connect with Hamilton Southeastern is economically infeasible. The only other alternative is if they can not hook onto Fall Creek Regional is to make this a development of well and septic. Holt asked how many lots are in the subdivision? Mr. Joe Kunzer, Developer, stated 46 lots in Phase One, Phase Two will be another 30 lots and Phase Three will be another 60 lots. Holt asked how many houses are currently on well and septic? Mr. Kunzer stated 13. Those lots are 1 1/4 acre lots. Mr. Miltux stated those lots are designed that they could hook up to municipal sewers. This is located in Fall Creek Township on 131st Street and Cyntheanne Road. Our purpose is not to increase density. The whole purpose of the subdivision is to have nice lots. Holt asked what is the distance to Hamilton Southeastern's existing line? Mr. Kunzer stated approximately 2 1/2 miles. Holt asked if this will be a gravity run? Mr. Miltux stated yes. Holt asked if there are lift stations involved? Mr. Miltux stated yes, one. Mr. Randy Seger, Attorney from Bingham McHale, 1100 Chamber of Commerce Building, Indianapolis, Indiana. Mr. Seger was joined by Mr. Ken Cochran, President of Hamilton Southeastern Utilities. Mr. Seger stated it is the utilities position that they would oppose what this developer is asking. The developer is asking that a regional district that is located in Madison County and run by Madison County officials would now expand its territory across the county boundary and operate a utility in Hamilton County. The jurisdiction of this territory, that would have to be defined, would be added to the Madison County Regional District's jurisdiction. This same territory has been granted by the Indiana Utility Regulatory Commission to Hamilton Southeastern Utilities. The Fall Creek Regional District was notified continuously as to expansions of Hamilton Southeastern's district and have never opposed them and allowed them to, along with and in partnership with the Town of Fishers. Their plans have been aligned with the CTA certificated area with the IURC. They have been over sizing and building plant in expectation of serving this area called Barrington Estates, as well as vast areas around this area. It is a matter of timing. Eventually sewer service will become an economic venue to this area. It will take other developers extending to reach their area. This developer does have a choice that if they want to leap frog over all of the remaining area, they can do that. They would have to pay more up front costs then if they would wait for the orderly development of this area. We think it is not necessary to involve the Madison County Commissioners and that run and operate this utility to come to the jurisdiction of Hamilton County at this junction. This utility has had discussions with this developer and they did give them some numbers, but not final numbers. The developer ended the discussions. Hamilton County is the eligible entity to

make the application to Madison County. Madison County Commissioners would then have to pass on the application to have the Madison County jurisdiction extend into Hamilton County. We could sit down with the developer and talk through the economics, it would have to be a four party agreement. Fishers, which is not represented today, Hamilton Southeastern Utilities, possibly Fall Creek Regional District and then the developer. Those efforts should be forthcoming rather than involve governmental entities. It would be a mistake to rush to judgement at this point, pass a resolution that would involve the jurisdictions of two counties without fully trying to resolve this matter. The statute talks about health and welfare, it does not mention costs. Whether it is economical to the developer or not is not in the statute as one of the reasons why another county should come into this county to serve a certain area. Discussion followed. Dillinger asked if we turn the developer down, the subdivision will be built with septic? Mr. Miltux stated yes, the first part has been developed with well and septic. Construction has been going on since April. We have been trying to work out this problem with Hamilton Southeastern and Fall Creek. They are at the same position that they were five months ago. We have already lost one builder. It would much easier and less costly to develop it on well and septic, they are looking at having to put in the sewer infrastructure within their development. It is not a fact of trying to save money. They are trying to make a better subdivision for the residents of Hamilton County. It is not a density matter, it is public health issue. Holt asked if there have been any septic failures yet? Mr. Miltux stated no, the homes are only one or two years old. Holt stated from discussions we have had with Fishers, it is our understanding in a long range view of what might be feasible with I-69 that it would be logical for the State to put an interchange in at Cynthianne. If an interchange goes in at Cynthianne, then that quadrant has huge potential economic impact for the Town of Fishers. If Fall Creek Regional comes across to serve your subdivision then it would be logical that Fall Creek would serve that interchange which might rival Exit 10 or 116th Street. It is a bigger issue than your subdivision. Mr. Miltux stated we are only asking for 134 acres. Holt stated he understands that, but what happens when the next developer comes in and they are contiguous and they say we did it for Barrington Estates, why won't you do it for us. Mr. Miltux stated why not, Fall Creek Regional is a municipal entity, it has all the attributes of a municipal corporation. Holt stated because it has significant financial implications for the Town of Fishers. Mr. Miltux stated this will not hurt the annexation by the Town of Fishers, the only thing they would not be able to do, if this was allowed, would be that Fall Creek would be providing sewer services and Fishers could still annex this area into their town. Holt stated this is part of the revenue stream to have viable municipalities to have the sewer business. Mr. Howard stated if you have get a huge user and Fishers wants that user and Fall Creek is out of capacity or closing down the capacity, that economic development scenario does not happen. You are not going to allow them to put a pipe on poles across your subdivision to serve that district. If you control the sewer, you control development. Holt stated this same thing has created nightmares for Clay Regional in Zionsville. We deal with it in Home Place. Mr. Kunzer stated we have discussed with Hamilton Southeastern Utilities for months, that Fall Creek would do this to such a time that Hamilton Southeastern Utilities got up there, then Fall Creek would unplug and Hamilton County would plug in. Mr. Kunzer stated this was agreed to verbally and then Hamilton Southeastern Utilities stated they would not allow Fall Creek to come over for a temporary title. Mr. Kunzer stated he has no problems turning it over to Hamilton Southeastern Utilities. Fall Creek has to be allowed to come in. Mr. Cochran stated this currently lies in Hamilton Southeastern's CPA, we are able to provide service the problem for the developer is the cost. We were discussing with the

developer that perhaps there could be an agreement with Fall Creek Regional for a period of time. We have said to Mr. Kunzer that the legal, technical and costs problems associated with the proposal are immense. It may not be possible that it would work at all. Mr. Howard asked if there is any indication that Fall Creek will accept the flow? Mr. Miltux stated yes, they have indicated they would accept the flow and they suggested we come to the county, pursuant to statute, and request application. Mr. Seger stated one solution is that Hamilton Southeastern continue to be the retail provider of sewer service in this area. Hamilton Southeastern could enter into a contract for Fall Creek system to treat, on a wholesale basis, the effluent from this subdivision. We will have to have an agreement with Fisher, they treat everything in our CPA. Holt motioned to table for 60 days to give the Town of Fishers a chance to weigh in on this and give them a chance to talk to whoever needs to be brought in to the loop. No second. Dillinger and Clark stated 60 days is too long. Motion dies. Dillinger motioned to table for 30 days and if it is not resolved in 30 days that we make a decision. Clark seconded. Motion carried unanimously.

Emergency Response ID Letter:

Mr. Hendericks stated he has examined the letter to Mr. David Perkins, SEMA Director and he believes it conveys the position that Mr. Holt and others have agreed upon. Holt motioned to execute the letter and send it on. Dillinger seconded. Motion carried unanimously.

Counter Terrorism Response Safety Equipment Program: (Tape 3, #753)

Mr. Hendericks stated the Department of Justice has assessed state and local responder capabilities to respond to terrorist events all over the United States. A 3 year strategy has been developed and \$3.3 million has been provided for that initiative. Indiana has developed 2 prongs to the 3 year strategy. The first prong is to survey the capability, training levels and equipping of first responders within the counties. Based upon that survey was to provide funding by State action for the purchase of the necessary supplies and training. This calls for an agreement between each county and the State of Indiana. Mr. Hendericks requested approval of that agreement. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Auditor (Tape 3, #1067)

Surveyor's Compensation Agreement - 2003:

Ms. Kim Rauch requested approval of the Compensation Agreement in Lieu of Statutory Fees between Kenton C. Ward and the County of Hamilton 2003. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Clerk of the Circuit Court Compensation Agreement - 2003:

Ms. Rauch requested approval of the Compensation Agreement in Lieu of Statutory Fees between Tamela [Tammy] Baitz and the County of Hamilton 2003. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Clerk of the Circuit Court Monthly Report:

Ms. Rauch requested acceptance of the Monthly Report of the Clerk of the Circuit Court

dated July 31, 2002. Dillinger motioned to accept. Holt seconded. Motion carried unanimously.

Payroll Claims:

Ms. Rauch requested approval of Payroll Claims for the period of July 20 thru August 3, 2002 to be paid August 16, 2002. Holt motioned to approve. Dillinger seconded. Motion carried unanimously. Ms. Rauch requested approval of Payroll Claims for the period of August 3 thru August 17, 2002 paid August 30, 2002. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Vendor Claims:

Ms. Rauch requested approval of Vendor Claims for this period. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Clark adjourned the meeting.

Commissioners Correspondence:

Domestic Preparedness Letter from Governor O'Bannon

IDEM Notice of Sewer Permit:

Lochaven, Section 5 - Noblesville

Sagamore, Phase 3 - Northeast Re-Design - Noblesville

Sagamore, Phase 4 - Scheller Property - Noblesville

Brooks Chase, Section 4 - Fishers

Roudebush Farms, Section 1 - Noblesville

Winterwood Subdivision - Carmel

Mud Creek Sewer Extension - Fishers

Centennial, Section 8 - Westfield

IDEM Notice of Appeal Rights:

Amli Old Town at Carmel - Carmel

Brooks Landing, Section Two

Hamilton Crossing, Building #5 - Carmel

Royalwood South, Section 2 - Fishers

Ridgefield, Section 2 - Fishers

Christ United Methodist Church - Westfield

Notice of Decision FESOP Renewal:

E&B Paving, Inc. - Noblesville

Present:

Sharon R. Clark, Commissioner

Steven C. Dillinger, Commissioner

Steven A. Holt, Commissioner

Robin M. Mills, Auditor

Kim Rauch, Executive Secretary to Auditor

Fred Swift, Administrative Assistant to Commissioners

Michael A. Howard, Attorney

Wayne A. Farley, Sheriff's Deputy

Tom K. Stevens, Highway Director

Les Locke, Highway Engineer

Virginia Hughes, Administrative Assistant to Highway Engineer

Jim Neal, Highway Project Engineer

Dave Lucas, Highway Inspector

Robert Chadwell, Highway Inspector

Mark Fisher, Highway Technical Engineer

Christopher Burt, Highway Staff Engineer

Tim Knapp, Highway Right-of-Way Specialist

Joel Thurman, Transportation Development Engineer

Matt Knight, Highway Staff Engineer

Mike McBride, Small Structure Staff Engineer

Dustin Teachnor, Highway Assets Manager

Faraz Hahn, Highway Department

Kathy Howard, Highway Department

Deb Farrell, Commonwealth Engineers

Rick Durham, Fanning Howey

John Schutt, Schutt-Lookabill Co., Inc.

Bob Thompson, Hamilton County Surveyor's Office

Doug Carter, Republican Candidate for Sheriff

Diana Lamirand, Noblesville Ledger

Andrew Talbot, Estridge Group

Brett Quandt, Quandt, Inc.

Dave Richter, United Consulting Engineers

Scott Warner, Buildings & Grounds

Tim Stevens, Habitat for Humanity

Stephen Genco, Trinity Free Clinic

Jeff Kerns, Hamilton County Sheriff's Department

Tammy Baitz, Clerk of the Circuit Court

Kendall W. Cochran, HSE Utilities, Inc.

Randy Seger, Bringham McHale

Alan Miltux, Attorney

Joseph Kunzer, Cole Developers

Ted McMullen, Cole Developers

Bob Hendericks, EMA

Approved

HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST:

Robin M. Mills, Auditor